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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/847,603 | 05/03/2001 | Peter Hierholzer | 1454.1060 | 7186 |
| 21171 | 7590 | 06/15/2005 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | LEE, CHI HO A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2663 | |

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/847,603 | Applicant(s) HIERHOLZER ET AL. | |
| | Examiner Andrew Lee | Art Unit 2663 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ebata et al U.S. Patent Number 6,708,209.

Re Claim 1, fig. 4 teaches a table associating the address ranges for different organizations i.e., organization A is associated with 172.16.12.1/24 and organization B is associated with 172.16.13.1/24 (*associated information relating to address ranges of the sub-regions*) stored in Policy Server (a resource manager) of fig. 5 (See col. 4, lines 50-62) wherein each Policy Server (PS) includes a Network Path Information DB 305a (*routes through the sub-regions, each from a source sub-regions to a destination sub-regions*) (See col. 5, lines 3-64) and Inter-organization Resource Allocation Processing 310 (*the transmission system resources between the subregions*) for processing resources between organizations by accessing the Resource Allocation DB 302a; fig. 17 teaches a message format that when a connection is initialized, the format includes Band Upper limit for Reservation 50504 & Band Upper Limit for Immediate 50505 (*signaling a requested scope of resources*) and sources and

Art Unit: 2663

destination addresses (See col. 12, lines 1-25), in particular fig. 19, step 514 & 306 teaches the processing of the signaling message at the PS, in step 514 Search for Network Path (*ascertaining...route through the network*), wherein the Operation Policy Search/Update Unit 302 verifies the resources allocation request by searching the policy database to determine whether the request (*in consideration of the requested scope of resources*) meets the requirements (*authorized*) associated with requested resources and path between or organizations (*the transmission system resources between the subregions of the route*) (See col. 13, lines 1-30).

Re Claim 2, refer to Claim 1, fig. 19, step 310 reserves the resources between organizations after the path have been determine in step 514.

Re Claim 3, refer to Claim 1, fig. 4 teaches the Organization A further divided in BR region (subdivided into further sub-regions) and fig. 6 teaches the inter-organization resources policy table (allocating to each further sub-regions) and fig. 8 teaches the intra-organization policy table (at least one path between the sub-regions).

Re Claims 4, 5, refer to Claim 1, wherein fig. 4 supports Internet and IP address ranges.

Re Claim 6, refer to Claim 1, fig. 4 teaches Organization ID (an item of information) wherein the organization can be either source or destination sub-regions; Border Router Name (information relating to the sub-regions situated between the subregions) are situated between organizations; Organization Management Table of fig. 5 (information relating to the connection paths).

Re Claims 7, 12, 13, refer to Claim 1, wherein the Resources allocation Schedule DB indicates the resources are subdivided into partial resources for a specific service requests, and fig. 19, step 501 determines whether the request meets the user requirements for the prescribe policy based on priority (a specific service & QoS) and permitted Band (at least one partial resource).

Re Claims 8, 10, 11, refer to Claim 1, fig. 19, step 516, Resource Allocation Decision is based on the a sum of the allocated resources and the prescribe resource policy table.

Re Claim 9, refer to Claim 1, fig. 23, step 516, signaling an authorization and non-authorization to a terminal.

Re Claim 14, refer to Claim 1, wherein fig. 17, step 310 determines whether inter-organization resource allocation processing is necessary (*storing and checking do not includes resource within subregions*).

Response to Arguments

3. Applicant's arguments filed 2/11/05 have been fully considered but they are not persuasive.

Applicant argues that Ebata et al fails to "storing ...associated information relating to address ranges of the subregions, a routes through the subregions...and ther transmission system resources between the subregions and then checking for authorization of the "in consideration of the requested scope of resources and the transmission system resources between the subregions of the route".

Examiner disagrees.

Fig. 1 teaches fig. 4 teaches that each organization is associated with an address range (See columns 50001 & 50003); fig. 5, the Network Path Information DB stores the routes through the subregions or organization; Inter-organization Resource Allocation Processor 310 assessing the Resource Allocation State DB 306a relates the transmission system resources between the subregions of the route. Fig. 19, step 514 perform searches for the Network path for the receive Reservation request of fig. 17 and step 310 performs allocation of transmission resources between the subregions of the route.

Re Claim 14, Applicant argues that, "authorization for a connection or a quality of service determination can be obtained without taking into consideration the intra-organization resource and organization –related policy table". However, this limitation is not claimed. Furthermore, the claim 1 or 14 do require any QoS determination. It should be clear in light of fig. 19, step 310, that Inter-organization resource allocation processing is responsible for resources allocations between subregions or organizations.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2663

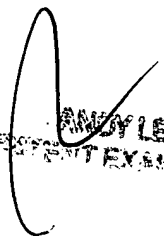
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI
6/06/05


ANDREW LEE
PATENT EXAMINER